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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,171	06/15/2001	Joachim Laier	449122004500	6959

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EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/868,171

Applicant(s)

LAIER ET AL.

Examiner

Jason T. Whipkey

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed October 6, 2006, have been fully considered but they are not persuasive.

In the last paragraph on page 2 of the remarks, Applicant argues that in the Lavey reference, "[T]here is no teaching or suggestion that a display device is used to display the user or status information." However, the paragraph cited by the examiner states:

All other communications, such as data transfers, are reported to a user by a status bar and/or an animated icon appearing in the client applications interface so the user can visually verify that transfer is occurring, and the approximate percentage of completion of the transfer. FIG. 2C shows an exemplary graphical display 45 that is displayed on display 35 in FIG. 2B. *Graphical display 45 includes an exemplary status bar 46 and an exemplary animated icon 47 that communicate the status of a data transfer to a user.* (Column 6, lines 14-23; emphasis added)

Applicant's assertion is clearly incorrect.

In the first paragraph on page 3 of the remarks, Applicant argues:

Additionally, the Examiner fails to provide a reason or motivation as to why the skilled artisan would have been motivated to combine the applied references. The Examiner simply [states] that it would have been obvious to combine Davidian and Ward because "an advantage of using video RAM is that a complete frame [can] be stored quickly and automatically"; and that it would have been obvious to [combine] Davidian and Lavey since it is "an advantage of having such a display is that a user can verify that a transfer is occurring and how close it is to its completion." ... Here the Examiner has offered no record evidence of any kind to support his assertions.

However, Applicant failed to quote the complete sentences used in the Office action.

Regarding the combination of Ward and Davidian, the examiner wrote, "As stated in column 1, lines 20-24, an advantage of using video RAM is ..." (see page 6, last paragraph). Regarding the

Art Unit: 2622

combination of Ward, Davidian, and Lavey, the examiner wrote, "As stated in column 6, lines 17-19, an advantage of having such a display is ..." (see page 7, paragraph 2). These statements offer explicit record evidence to support the examiner's assertions.

The advantages disclosed in the cited prior art offer evidence that the modifications would make the resulting device more efficient (data can "be stored quickly without the requirements of microprocessor-generated addressing strobes for each byte or block of information", according to Davidian; see column 1, lines 22-24) or more helpful to a user ("the user can visually verify that a transfer is occurring", according to Lavey; see column 6, line 17).

For these reasons, the rejection is valid.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 2622

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (U.S. Patent Application Publication No. 2001/0022618) in view of Davidian (U.S. Patent No. 5,260,909) in view of Lavey (U.S. Patent No. 6,023,698).

Regarding **claim 1**, Ward discloses:

A communications-enabled image recording device (electronic still camera 10; see Figure 1) for still and/or moving images, comprising:

- a semiconductor image recording sensor (CCD 22);
- an image recording and image data transfer control unit (microprocessor 34) for the image data and/or text (see paragraph 12) or audio data transfer to an external data sink (a personal computer 12); and
- an operating display (LCD 24) and operating elements (via microprocessor 34) for setting operating modes and which receives instructions for the image data transfer on the operating display (step 64; see paragraph 15), in order to accept externally offered representations (text messages regarding image transfer messages from a host service; see paragraph 15) for identifying a respective status, and the image data transfer control unit displays a desired representation on the operating display (see paragraph 15).

Ward is silent with regard to including a memory module for holding information used to display the status of data transfers.

Davidian teaches that it is well known to use a video RAM to store video data received by an interface (see column 1, lines 17-20). As stated in column 1, lines 20-24, an advantage of using video RAM is that a complete frame can be stored quickly and automatically. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Ward's device include video RAM, as described by Davidian.

Davidian is silent with regard to using the memory specifically to store data used to display the status of data transfers.

Lavey discloses a data-transfer system that, as shown in Figure 2C, produces a video display showing the progress of a data transfer (see column 6, lines 14-16). As stated in column 6, lines 17-19, an advantage of having such a display is that a user can verify that a transfer is occurring and how close it is to its completion. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Davidian's and Ward's devices include a transfer progress display, as described by Lavey.

Regarding **claim 3**, Ward discloses:

the operating display is a camera display (LCD 24) which can be driven by a display driver (microprocessor 34 controls the camera functions; see paragraph 12), such that via the driver, data can be fetched from the memory module according to specification by the control unit (LCD 24 displays stored images; see paragraph 12).

Regarding **claim 4**, Ward discloses:

the image data transfer control unit is connected to a transmitting unit, and the transmitting unit has a radio transmitting assembly with antenna for

establishing a wire-free connection and/or a data transfer interface (modem 32) for wire-based, bit-oriented transmission (see paragraph 12).

Regarding **claim 5**, Ward discloses:

the operating display or a display driver can be externally driven or activated (by the host system; see paragraph 15).

Regarding **claim 6**, Ward discloses:

the image data transfer control unit is an integral part of the image recording device or camera (see Figure 1).

Regarding **claim 7**, Ward discloses:

A method for operating a communications-enabled image recording device for still and/or moving images (electronic still camera 10), comprising:
a semiconductor image recording sensor (CCD 22); and
an image recording and image data transfer control unit (microprocessor 34) for image or data transfer to an external data sink (personal computer 12), the integrated image recording and image data transfer control unit being connected to an operating display (LCD 24) and operating elements (via microprocessor 34) or setting operating modes (image transmission; see paragraph 14), wherein to display status information and/or instructions on the operating display for or during the data transfer from the data source to the data sink, representations (text messages regarding image transfer messages from a host service; see paragraph 15) are received, the selection of representations being automatically initiated by

Art Unit: 2622

the image data transfer control unit in accordance with commands and/or operations (see paragraph 15).

Ward is silent with regard to including a memory module for holding information used to display the status of data transfers.

Davidian teaches that it is well known to use a video RAM to store video data received by an interface (see column 1, lines 17-20). As stated in column 1, lines 20-24, an advantage of using video RAM is that a complete frame can be stored quickly and automatically. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Ward's device include video RAM, as described by Davidian.

Davidian is silent with regard to using the memory specifically to store data used to display the status of data transfers.

Lavey discloses a data-transfer system that, as shown in Figure 2C, produces a video display showing the progress of a data transfer (see column 6, lines 14-16). As stated in column 6, lines 17-19, an advantage of having such a display is that a user can verify that a transfer is occurring and how close it is to its completion. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Davidian's and Ward's devices include a transfer progress display, as described by Lavey.

Regarding **claim 8**, Ward discloses:

the representations which are stored in the memory module can be erased and/or changed and thereby updated by external access after positive checking of authorization (communication only occurs if password authentication occurs; see paragraphs 32-33).

Art Unit: 2622

5. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Davidian and further in view of Aihara.

Claims 2 and 9 may be treated like claims 1 and 7. However, Davidian is silent with regard to making the video memory a separately addressable area of an image recording device memory.

Aihara discloses:

the memory module (frame buffer 536 in Figure 4) is a separately addressable area of a central image recording device memory (DRAM 346).

As stated in column 5, lines 31-34, an advantage of including myriad memories in one memory device is that memory can be dynamically allocated as needed. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Davidian's memory device included in the parent device's central memory.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2622

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava, can be reached at (571) 272-7304. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTW

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December 13, 2006


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